

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-CV-40252-FDS

PETERBOROUGH OIL COMPANY, INC. and)
DIANE CLARK,)
Plaintiffs,)
)
v)
)
GREAT AMERICAN INSURANCE CO.)
Defendant.)
)

**PLAINTIFF'S LIMITED OPPOSITION TO DEFENDANT'S MOTION FOR
CLARIFICATION AND PARTIAL AMENDMENT OF THE COURT'S ORDER
FOR JUDGMENT IN FAVOR OF PLAINTIFFS**

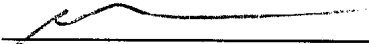
Plaintiff Peterborough Oil Company, Inc. ("Plaintiff") submits this limited opposition to Defendant's Motion for Clarification and Partial Amendment of the Court's Order for Judgment in Favor of Plaintiffs.

With respect to Count I and Defendant's duty to defend, Plaintiff's agree that judgment should now enter only on liability. The parties will attempt to work out the amount of attorney's fees owed to Plaintiff by Defendant for both the underlying suit and for the bringing of the declaratory judgment action. If the parties are unable to work out the amount, Plaintiff will file an appropriate motion for determination of the amount of attorney's fees. If the parties are able to resolve the matter, they will submit an agreed upon judgment.

With respect to Count II, Plaintiff submits that there is no reason to modify the order issued by this Court. The issues have been fully vetted and the Court's ruling and

order are absolutely correct. Hence, Plaintiff requests this Court to deny that part of the motion seeking modification of this Court's order on Count II.

PETERBOROUGH OIL COMPANY, INC.
and DIANE CLARK
By their attorneys,



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Date: October 14, 2005

CERTIFICATE OF SERVICE

I, Barry A. Bachrach, hereby certify that I have served a copy of the foregoing this 14th day of October, 2005 by mailing a copy of same, postage prepaid to:

David D. Dowd, Esquire
Curley & Curley, P.C.
27 School Street, Suite 600
Boston, MA 02108



Barry A. Bachrach